

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 838 – SB 1101

April 3, 2017

SUMMARY OF ORIGINAL BILL: Extends, from three to four years, the maximum period of time in which the State Fire Marshal may refuse to issue another fireworks permit to the holder of a permit that has been cancelled or revoked for cause.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

IMPACT TO COMMERCE OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENTS (005805, 006483): Amendment 005805 deletes all language after the enacting clause. Creates an exception to Tenn. Code Annotated § 68-104-105, which requires any statement requesting the issuance of a retailer's or seasonal retailer's fireworks permit for a new location, be signed by the respective county or municipality's chief executive officer or the officer's designee. Requires the chief executive officer of Lakeland City, within 10 days of receipt of an application for a retailer's or seasonal retailer's fireworks permit in Lakeland City, to sign such statement or provide written explanation as to why the statement will not be signed. If the chief executive officer of Lakeland City fails to comply with the 10-day requirement or refuses to sign the statement, the applicant to the new location may petition the State Fire Marshal (SFM). Authorizes the SFM to issue such permit without the signature of the chief executive officer's or chief executive officer's designee, if the sale of the fireworks in the municipality is permissible.

Amendment 006483 deleted and replaced language in the bill as amended by amendment 005805, effectively confining the applicability of this legislation to Lakeland City.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

Increase State Revenue - \$1,000/State Fire Marshal

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Assumptions for the bill as amended:

- It is assumed that this bill as amended will result in one additional firework retailer permit being issued by the SFM's office.
- Pursuant to Tenn. Code Ann. § 68-104-102(c), a permit issued by the SFM is valid for the calendar year or any fraction of the year and shall expire on December 31 of such year.
- Pursuant to Tenn. Code Ann. § 68-104-102(d)(1), a retailer permit costs \$1,000.
- The recurring increase in state revenue is estimated to be \$1,000.
- Pursuant to Tenn. Code Ann. § 68-104-102(g), this revenue shall remain with the SFM.
- It is assumed that the retail location located in Lakeland City will not generate a significant increase in the aggregate amount of fireworks sold in Lakeland City; therefore, no significant impact upon state and local government tax revenue.

IMPACT TO COMMERCE WITH PROPOSED AMENDMENT:

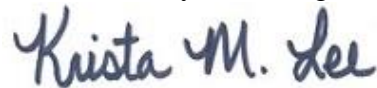
Increase Business Expenditures - \$1,000

Assumption for the bill as amended:

- A recurring increase in business expenditures of \$1,000 for the cost of the applicable permit.
- Any impact to the number of jobs in Tennessee is expected to be not significant.
- No other significant impact to commerce as a result of this legislation.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

/jdb